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**TITLE 326 AIR POLLUTION CONTROL DIVISION**

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**FINDINGS AND DETERMINATION OF THE COMMISSIONER PURSUANT TO  
[IC 13-14-9-7](#) AND SECOND NOTICE OF COMMENT PERIOD**

LSA Document #19-589

**NITROGEN OXIDES EMISSION MONITORING****PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for amendments to [326 IAC 10-2-3](#), [326 IAC 10-2-4](#), and [326 IAC 10-2-8](#), and the addition of a new section [326 IAC 10-2-8.5](#), concerning nitrogen oxides (NO<sub>x</sub>) monitoring requirements for certain sources. The purpose of this notice is to seek public comment on the draft rule, including suggestions for specific language to be included in the rule. IDEM seeks comment on the affected citations listed and any other provisions of Title 326 that may be affected by this rulemaking.

**CITATIONS AFFECTED:** [326 IAC 10-2-3](#); [326 IAC 10-2-4](#); [326 IAC 10-2-8](#); [326 IAC 10-2-8.5](#).

**AUTHORITY:** [IC 13-14-8](#); [IC 13-14-9](#); [IC 13-17](#).

**STATUTORY REQUIREMENTS**

[IC 13-14-9-7](#) recognizes that under certain circumstances it may be appropriate to reduce the number of public comment periods routinely provided. In cases where the commissioner determines that the rulemaking policy alternatives available to IDEM are so limited that the first notice of public comment period would provide no substantial benefit to the environment or persons to be regulated or otherwise affected by the proposed rule, IDEM may forgo this comment period and proceed directly to the second notice of public comment period.

If the commissioner makes the determination of limited rulemaking policy alternatives required by [IC 13-14-9-7](#), the commissioner shall prepare written findings and include them in the second notice of public comment period published in the Indiana Register. This document constitutes the commissioner's written findings pursuant to [IC 13-14-9-7](#).

The statute provides for this shortened rulemaking process if the commissioner determines that "the rulemaking policy alternatives available to the department are so limited that the public notice and comment period under [\[IC 13-14-9-3\]](#) . . . would provide no substantial benefit to:

- (1) the environment; or
- (2) persons to be regulated or otherwise affected by the proposed rule."

**BACKGROUND**

Under the Clean Air Act, the United States Environmental Protection Agency (U.S. EPA) establishes and periodically revises the National Ambient Air Quality Standards (NAAQS) for certain pollutants, and gives states the primary responsibility of attaining the NAAQS through the adoption of emission control measures identified in their state implementation plans (SIP). In 1998, U.S. EPA issued the NO<sub>x</sub> SIP Call, which identifies a "good neighbor" provision that prohibits states from emitting pollutants that contribute significantly to nonattainment or interfere with maintenance of the NAAQS in a neighboring state. This rule also called for SIP revisions from states to address these obligations, but did not mandate any particular approach for how to achieve the required emission reductions. While this provided general compliance flexibility for states, the rule contained two additional provisions that were mandatory for large electric generating units (EGUs), and large non-EQU boilers and turbines (large affected units), if states included emission control measures for these types of sources in their SIP revisions.

The first provision of the NO<sub>x</sub> SIP Call was that any control measures imposed on these types of sources were required to include enforceable limits on the sources' seasonal NO<sub>x</sub> mass emissions, which could include either limits on individual sources or collective limits on the group of all sources in a state. The second provision required these sources to monitor and report their seasonal NO<sub>x</sub> mass emissions according to the requirements in the Code of Federal Regulations (CFR) at 40 CFR 75.

Indiana adopted U.S. EPA's NO<sub>x</sub> Budget Trading Program at [326 IAC 10-4](#) to implement the requirements of the NO<sub>x</sub> SIP Call. Despite the fact that the NO<sub>x</sub> Budget Trading Program was discontinued in 2008, the control measures remain in effect. To address the large affected units that are no longer part of a trading program, IDEM adopted rules at [326 IAC 10-2](#) in 2018 to enforce the remaining NO<sub>x</sub> SIP Call requirements that apply to these sources. Large EGUs were addressed in a separate rulemaking and are regulated by the Cross State Air Pollution Control Rules at [326 IAC 24-5](#), [326 IAC 24-6](#), and [326 IAC 24-7](#).

On March 8, 2019, U.S. EPA published a final rule in the Federal Register (FR) that removes the requirement for large fossil fuel boilers that are still regulated by the NO<sub>x</sub> SIP Call to monitor NO<sub>x</sub> emissions using the

continuous emission monitoring requirements in 40 CFR 75 (84 FR 8422). This rulemaking will revise the requirement for large affected units to monitor emissions as specified in 40 CFR 75, and instead allow these sources to report emissions to IDEM at the end of the ozone season based on emission factors or continuous emission monitoring system data. Once the revisions in this rulemaking are completed, IDEM will submit the final rule to U.S. EPA as a SIP revision.

**[IC 13-14-9-4](#) Identification of Restrictions and Requirements Not Imposed under Federal Law**

No element of the draft rule imposes either a restriction or a requirement on persons to whom the draft rule applies that is not imposed under federal law.

**Potential Fiscal Impact**

This rulemaking will result in a positive fiscal impact for sources with large affected units that choose to use the more cost effective alternative emission monitoring options instead of continuing to monitor emissions based on monitoring requirements in 40 CFR 75.

**Public Participation and Work Group Information**

No work group is planned for the rulemaking. If you feel that a work group or other informal discussion on the rule is appropriate, please contact Keelyn Walsh, Rules Development Branch, Office of Legal Counsel at (317) 232-8229 or (800) 451-6027 (in Indiana).

**Small Business Assistance Information**

IDEM established a compliance and technical assistance program (CTAP) under [IC 13-28-3](#). The program provides assistance to small businesses and information regarding compliance with environmental regulations. In accordance with [IC 13-28-3](#) and [IC 13-28-5](#), there is a small business assistance program ombudsman to provide a point of contact for small businesses affected by environmental regulations. Information on CTAP and other resources available can be found at:

[www.in.gov/idem/ctap](http://www.in.gov/idem/ctap)

For purposes of [IC 4-22-2-28.1](#), small businesses affected by this rulemaking may contact the Small Business Regulatory Coordinator:

Angela Taylor  
IDEM Small Business Regulatory Coordinator/CTAP Small Business Liaison  
IGCN 1316  
100 North Senate Avenue  
Indianapolis, IN 46204-2251  
(317) 233-0572 or (800) 988-7901  
[ctap@idem.in.gov](mailto:ctap@idem.in.gov)

For purposes of [IC 4-22-2-28.1](#), the Small Business Ombudsman designated by [IC 5-28-17-6](#) is:

Katelyn Colclazier  
Small Business Ombudsman  
Indiana Economic Development Corporation  
One North Capitol, Suite 700  
Indianapolis, IN 46204  
(317) 431-1560  
[kcolclazier@iedc.in.gov](mailto:kcolclazier@iedc.in.gov)

Resources available to regulated entities through the small business ombudsman include the ombudsman's duties stated in [IC 5-28-17-6](#), specifically [IC 5-28-17-6\(9\)](#), investigating and attempting to resolve any matter regarding compliance by a small business with a law, rule, or policy administered by a state agency, either as a party to a proceeding or as a mediator.

The Small Business Assistance Program Ombudsman is:

Erin Moorhous  
IDEM Small Business Assistance Program Ombudsman/Business, Agricultural, and Legislative Liaison  
IGCN 1301  
100 North Senate Avenue  
Indianapolis, IN 46204-2251  
(317) 232-8921 or (800) 451-6027  
[emoorhous@idem.in.gov](mailto:emoorhous@idem.in.gov)

**FINDINGS**

The commissioner of IDEM has prepared written findings concerning NO<sub>x</sub> emission monitoring for large affected units that will revise monitoring requirements as specified in 40 CFR 75, and instead allow these sources to report emissions to IDEM at the end of the ozone season based on emission factors or continuous emission monitoring system data. These findings are prepared under [IC 13-14-9-7](#) and are as follows:

- (1) This rule is a direct adoption of federal amendments that are applicable to Indiana and part of Indiana's SIP that will be submitted to U.S. EPA for approval once this rulemaking is completed.
- (2) The environment and persons regulated or otherwise affected by the proposed rule will benefit from

prompt adoption of this rule, as it removes duplicative monitoring requirements for sources and allows for more cost effective alternative emission monitoring options.

(3) I have determined that under the specific circumstances pertaining to this rule, the rulemaking policy alternatives are so limited that the public notice and comment period provided in the notice of first public comment period would provide no substantial benefit to the environment or to persons to be regulated or otherwise affected by the rule.

(4) The draft rule is hereby incorporated into these findings.

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Bruno L. Pigott  
Commissioner  
Indiana Department of Environmental Management

## REQUEST FOR PUBLIC COMMENTS

This notice requests the submission of comments on the draft rule language, including suggestions for specific revisions to language to be contained in the draft rule. Comments may be submitted in one of the following ways:

(1) By mail or common carrier to the following address:

LSA Document #19-589 Nitrogen Oxides Emission Monitoring  
Keelyn Walsh  
Rules Development Branch  
Office of Legal Counsel  
Indiana Department of Environmental Management  
Indiana Government Center North  
100 North Senate Avenue  
Indianapolis, IN 46204-2251

(2) By facsimile to (317) 233-5970. Please confirm the timely receipt of your faxed comments by calling the Rules Development Branch at (317) 232-8922.

(3) By electronic mail to [kwalsh@idem.in.gov](mailto:kwalsh@idem.in.gov). To confirm timely delivery of submitted comments, please request a document receipt when sending the electronic mail. **PLEASE NOTE: Electronic mail comments will NOT be considered part of the official written comment period unless they are sent to the address indicated in this notice.**

(4) Hand delivered to the receptionist on duty at the thirteenth floor reception desk, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Indianapolis, Indiana.

Regardless of the delivery method used, to properly identify each comment with the rulemaking action it is intended to address, each comment document must clearly specify the LSA document number of the rulemaking.

## COMMENT PERIOD DEADLINE

All comments must be postmarked, faxed, or time stamped not later than December 20, 2019.

Hand-delivered comments must be delivered to the appropriate office by 4:45 p.m. on the above-listed deadline date.

Additional information regarding this action may be obtained from Keelyn Walsh, Rules Development Branch, Office of Legal Counsel, (317) 232-8229 or (800) 451-6027 (in Indiana).

## DRAFT RULE

SECTION 1. [326 IAC 10-2-3](#) IS AMENDED TO READ AS FOLLOWS:

### [326 IAC 10-2-3](#) Monitoring provisions

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 3. (a) The owner or operator of a large affected unit subject to this rule, and to the extent applicable, the designated representative, shall comply with the monitoring, record keeping, and reporting requirements as provided in **this section and sections 4 through 8 of this rule**, and in 40 CFR 75, Subpart H\*, **except when complying with approved alternative monitoring and reporting requirements in section 8.5 of this rule**. The owner or operator of a unit that is not a large affected unit, but that is required to monitor under 40 CFR 75.72(b)(2)(ii)\* **for units with common stack and multiple stack configurations**, shall comply with the same monitoring, record keeping, and reporting requirements as a large affected unit **in this section and sections 4 through 8 of this rule**.

(b) The owner or operator of each large affected unit shall do the following, **except when complying with approved alternative monitoring and reporting requirements in section 8.5 of this rule:**

(1) Install all monitoring systems required under this section for monitoring NO<sub>x</sub> ozone season mass emissions and individual unit heat input, ~~This includes~~ **including** all systems required to monitor the following operating parameters in accordance with 40 CFR 75.71\* and 40 CFR 75.72\*, as applicable:

- (A) NO<sub>x</sub> emission rate.
- (B) NO<sub>x</sub> concentration.
- (C) Stack gas moisture content.
- (D) Stack gas flow rate.
- (E) Carbon dioxide (CO<sub>2</sub>) or ozone (O<sub>2</sub>) concentration.
- (F) Fuel flow rate.

(2) Complete all certification tests required under section 5(b) of this rule and meet all other requirements of this section and 40 CFR 75\* applicable to the monitoring systems under subdivision (1).

(3) Record, report, and quality assure the data from the monitoring systems under subdivision (1).

(c) The designated representative for a large affected unit shall submit written notice to the department and U.S. EPA in accordance with 40 CFR 75.61\*, **except when complying with approved alternative monitoring and reporting requirements in section 8.5 of this rule.**

(d) The owner or operator of a large affected unit is subject to the applicable provisions of 40 CFR 75\* concerning units in long term cold storage, **except when complying with approved alternative monitoring and reporting requirements in section 8.5 of this rule.**

(e) The prohibitions in 40 CFR 75.70(c)\* apply to any monitoring system, alternative monitoring system, alternative reference method, or any other alternative for a continuous emissions monitoring system required under this rule.

\*These documents are incorporated by reference. Copies may be obtained from the Government Publishing Office, [www.gpo.gov](http://www.gpo.gov), or are available for review at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, Indiana 46204.

(Air Pollution Control Division; [326 IAC 10-2-3](#); filed Jul 27, 2018, 2:25 p.m.: [20180822-IR-326150414FRA](#))

SECTION 2. [326 IAC 10-2-4](#) IS AMENDED TO READ AS FOLLOWS:

**[326 IAC 10-2-4](#) Compliance dates for monitoring**

**Authority:** [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

**Affected:** [IC 13-15](#); [IC 13-17](#)

Sec. 4. (a) Except as provided in ~~section~~ **sections 3(d) and 8.5** of this rule, the owner or operator shall meet the monitoring system certification and other requirements of section 3(b) **or 8.5(e)** of this rule on or before the applicable dates in this section. The owner or operator shall record, report, and quality assure the data from the monitoring systems under section 3(b)(1) **or 8.5(e)** of this rule on and after the following dates:

(1) For units that commenced operation before ~~the effective date of this rule, the effective date of this rule:~~  
**August 26, 2018, August 26, 2018.**

(2) For the owner or operator of a large affected unit that commences operation after ~~the effective date of this rule,~~ **August 26, 2018**, and that reports on an annual basis under section 8(b) of this rule, by one hundred eighty (180) calendar days after the date on which the unit commences commercial operation.

(3) For the owner or operator of a large affected unit that commences operation after ~~the effective date of this rule,~~ **August 26, 2018**, and that reports on a control period basis under section 8(b) **or 8.5(e)** of this rule, by the later of the following dates:

(A) One hundred eighty (180) calendar days after the date on which the unit commences commercial operation.

(B) If the compliance date under clause (A) is not during a control period, then by May 1 immediately following the compliance date under clause (A).

(4) For the owner or operator of a large affected unit for which construction of a new stack or flue or installation of add-on NO<sub>x</sub> emission controls is completed after ~~the effective date of this rule,~~ **August 26, 2018**, and that

reports on an annual basis under section 8(b) of this rule, by the earlier of the following dates:

(A) One hundred eighty (180) calendar days after the date on which emissions first exit to the atmosphere through the new stack or flue or add-on NO<sub>x</sub> emissions controls.

(B) Ninety (90) unit operating days after the date on which emissions first exit to the atmosphere through the new stack or flue or add-on NO<sub>x</sub> emissions controls.

(5) For the owner or operator of a large affected unit for which construction of a new stack or flue or installation of add-on NO<sub>x</sub> emission controls is completed after the effective date of this rule **August 26, 2018**, and that reports on a control period basis under section 8(b) **or 8.5(e)** of this rule, by the later of the following dates:

(A) The earlier of:

(i) one hundred eighty (180) calendar days after the date on which emissions first exit to the atmosphere through the new stack or flue or add-on NO<sub>x</sub> emissions controls; or

(ii) ninety (90) unit operating days after the date on which emissions first exit to the atmosphere through the new stack or flue or add-on NO<sub>x</sub> emissions controls.

(B) If the compliance date under clause (A) is not during a control period, May 1 immediately following the compliance date under clause (A).

(b) The owner or operator of a large affected unit that does not meet the applicable compliance date set forth in subsection (a) for any monitoring system under section 3 of this rule shall, for each monitoring system, determine, record, and report maximum potential or, as appropriate, minimum potential, values for the following:

(1) NO<sub>x</sub> emission rate.

(2) NO<sub>x</sub> concentration.

(3) Stack gas moisture content.

(4) Stack gas flow rate.

(5) Fuel flow rate.

(6) Any other parameters required to determine NO<sub>x</sub> mass emissions and heat input in accordance with the following, as applicable:

(A) 40 CFR 75.31(b)(2)\*.

(B) 40 CFR 75.31(c)(3)\*.

(C) 40 CFR 75, Appendix D, Section 2.4\*.

(D) 40 CFR 75, Appendix E, Section 2.5\*.

\*These documents are incorporated by reference. Copies may be obtained from the Government Publishing Office, [www.gpo.gov](http://www.gpo.gov), or are available for review at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, Indiana 46204.

(Air Pollution Control Division; [326 IAC 10-2-4](#); filed Jul 27, 2018, 2:25 p.m.: [20180822-IR-326150414FRA](#))

SECTION 3. [326 IAC 10-2-8](#) IS AMENDED TO READ AS FOLLOWS:

### [326 IAC 10-2-8](#) Record keeping and reporting

**Authority:** [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

**Affected:** [IC 13-15](#); [IC 13-17](#)

Sec. 8. (a) The designated representative of a large affected unit shall comply with all applicable record keeping and reporting requirements in this section and 40 CFR 75.73\* as follows, **except when complying with approved alternative monitoring and reporting requirements in section 8.5 of this rule:**

(1) The owner or operator of a large affected unit shall comply with requirements of both:

(A) 40 CFR 75.73(c)\*; and

(B) 40 CFR 75.73(e)\*.

(2) The designated representative shall submit an application to the department within forty-five (45) days after completing all initial certification or recertification tests required under section 5 of this rule, including the information required under 40 CFR 75.63\*.

(b) The designated representative shall submit quarterly reports as follows, **except when complying with approved alternative monitoring and reporting requirements in section 8.5 of this rule:**

(1) If the large affected unit is subject to an acid rain emissions limitation or if the owner or operator of the unit chooses to report on an annual basis under this section, the designated representative shall:



- (A) meet the requirements of 40 CFR 75, Subpart H\*, for the entire year; and
- (B) report the NO<sub>x</sub> mass emissions data and heat input data in an electronic quarterly report in a format prescribed by U.S. EPA, for each calendar quarter corresponding to the earlier of:
  - (i) the date of provisional certification; or
  - (ii) for a unit that commences commercial operation on or after ~~the effective date of this rule~~, **August 26, 2018**, the calendar quarter corresponding to the earlier of:
    - (AA) the date of provisional certification; or
    - (BB) the applicable deadline for initial certification under section 4(a) of this rule.
- (2) If the large affected unit is not subject to an acid rain emissions limitation, the designated representative shall meet either of the following requirements:
  - (A) If the owner or operator chooses to report on an annual basis, both of the following:
    - (i) Meet the requirements of 40 CFR 75, Subpart H\* for the entire year.
    - (ii) Report the NO<sub>x</sub> mass emissions data and heat input data for the unit in accordance with this clause.
  - (B) If the owner or operator does not choose to report on an annual basis, both of the following:
    - (i) Meet the requirements of 40 CFR 75, Subpart H\* for the control period.
    - (ii) Report NO<sub>x</sub> mass emissions data and heat input data for the control period in an electronic quarterly report in a format prescribed by U.S. EPA, for each calendar year beginning with:
      - (AA) ~~the effective date of this rule~~ **August 26, 2018**; or
      - (BB) for a unit that commences commercial operation on or after ~~the effective date of this rule~~, **August 26, 2018**, the calendar quarter corresponding to the earlier of:
        - (aa) if it falls during the control period, the date of provisional certification;
        - (bb) if it falls during the control period, the applicable deadline for initial certification under section 4(a) of this rule; or
        - (cc) if neither subitem (aa) nor (bb) fall during the control period, the quarter that includes May 1 through June 20 of the first control period after the date of provisional certification or the applicable deadline for initial certification under section 4(a) of this rule.
  - (3) For large affected units that are also subject to an acid rain emissions limitation or another annual trading program, quarterly reports must include the following:
    - (A) Applicable data and information required by 40 CFR 75, Subparts F through H\*, as applicable.
    - (B) NO<sub>x</sub> mass emission data, heat input data, and other information required by this rule.
  - (4) For all large affected units subject to this rule, the designated representative shall submit quarterly reports to U.S. EPA within thirty (30) days following the end of the calendar quarter covered by the report in the manner specified in 40 CFR 75.73(f)\*.

(c) **Except when complying with approved alternative monitoring and reporting requirements in section 8.5 of this rule**, the designated representative shall submit to U.S. EPA a compliance certification, in a format prescribed by U.S. EPA, in support of each quarterly report based on reasonable inquiry of those persons with primary responsibility for ensuring that all of the unit's emissions are correctly and fully monitored. The certification must state that:

- (1) the monitoring data submitted were recorded in accordance with the applicable requirements of this section and 40 CFR 75\*, including the quality assurance procedures and specifications;
- (2) for a unit with add-on NO<sub>x</sub> ozone season emission controls and for all hours where NO<sub>x</sub> data are substituted in accordance with 40 CFR 75.34(a)(1)\*, the add-on emission controls were operating within the range of parameters listed in the quality assurance and quality control program under 40 CFR 75, Appendix B\* and the substitute data values do not systematically underestimate NO<sub>x</sub> emissions; and
- (3) for a unit that is reporting on a control period basis under subsection (b)(2)(B), the NO<sub>x</sub> mass emission rate and NO<sub>x</sub> concentration values substituted for missing data under 40 CFR 75, Subpart D\*, are calculated using only values from a control period and do not systematically underestimate NO<sub>x</sub> emissions.

(d) Owners and operators of each large affected unit at the source shall comply with the following record keeping and reporting requirements:

- (1) Unless otherwise provided, the owners and operators of each large affected unit at the source shall keep on site each of the following documents:
  - (A) The current certificate of representation for the designated representative for each large affected unit, and all documents that demonstrate the truth of the statements in the certificate of representation.
  - (B) All emissions monitoring information, in accordance with section 3 of this rule, with retention for a minimum of three (3) years.
  - (C) Copies of all reports and other submissions and all records made or required under this rule for a period of five (5) years from the date the document was created.
- (2) The designated representative of each large affected unit at the source shall submit the reports required

under this rule.

\*These documents are incorporated by reference. Copies may be obtained from the Government Publishing Office, [www.gpo.gov](http://www.gpo.gov), or are available for review at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, Indiana 46204.

(Air Pollution Control Division; [326 IAC 10-2-8](#); filed Jul 27, 2018, 2:25 p.m.: [20180822-IR-326150414FRA](#))

SECTION 4. [326 IAC 10-2-8.5](#) IS ADDED TO READ AS FOLLOWS:

**[326 IAC 10-2-8.5](#) Alternative monitoring and reporting**

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

**Sec. 8.5. (a) Owners and operators of a large affected unit subject to this rule may substitute alternative monitoring and reporting requirements established in an operating permit in lieu of the requirements in sections 3 through 8 of this rule, if approved by the department based on the requirements in this section.**

**(b) To substitute alternative monitoring and reporting requirements, the owner or operator of a large affected unit shall submit an application for an operating permit or an application for a modification to an operating permit in accordance with [326 IAC 2](#).**

**(c) The application must include all of the following:**

**(1) An indication of which of the following alternatives is being requested:**

**(A) Monitoring and reporting in accordance with 40 CFR 60\*.**

**(B) Monitoring of heat input and fuel use and an approved emission factor.**

**(2) If monitoring of heat input and fuel use and an approved emission factor is requested as the alternative, an emission factor analysis evaluating potential emission factors in pounds of NO<sub>x</sub> emitted per unit of fuel and heat input, for each fuel type, based on all of the following:**

**(A) U.S. EPA's Compilation of Air Pollutant Emissions Factors, AP-42\*, as described in [326 IAC 1-1-3.5](#).**

**(B) A valid stack test using 40 CFR 60, Appendix A, Method 3\*, Method 7\*, and Method 19\*, conducted within the previous two (2) years from the date of the application submittal, if available.**

**(C) An analysis of continuous emission monitoring data representative of current operating conditions.**

**(D) An analysis of other relevant data or emission factors, if available.**

**(3) A description of the proposed monitoring procedures, including how monitoring data will be obtained, recorded, and quality assured, and how NO<sub>x</sub> emissions will be accounted for during periods of missing or inaccurate data, such as periods of maintenance or disruption.**

**(4) If monitoring and reporting in accordance with 40 CFR 60\* is requested, how the amount of NO<sub>x</sub> emissions in tons per control period will be determined from the NO<sub>x</sub> emission rate data in accordance with 40 CFR 60\*.**

**(5) If alternative monitoring and reporting is requested to begin within a control period, a description of the transition process that ensures there will not be gaps in data monitoring and reporting.**

**(d) Prior to the use of alternative monitoring and reporting, one (1) of the following must be specified in an operating permit issued in accordance with [326 IAC 2](#):**

**(1) Applicable terms and conditions, including monitoring and reporting requirements in accordance with 40 CFR 60\*.**

**(2) An emission factor and monitoring procedure for fuel use and heat input.**

**(e) The owner or operator of a large affected unit subject to alternative monitoring and reporting under this section shall meet all of the following:**

**(1) Comply with all terms and conditions specified in the operating permit.**

**(2) Install all monitoring systems required for alternative monitoring.**

**(3) Record and report the data from the monitoring systems required under this section in accordance**

with the terms and conditions in the operating permit.

(4) By April 15 each year, report actual NO<sub>x</sub> emissions in tons to the department, as determined using the approved alternative monitoring procedures, for the previous control period.

(5) If alternative monitoring is based on an approved emission factor, the following requirements apply:

(A) Conduct stack tests to demonstrate the approved emission factor continues to be representative of current operating conditions.

(B) If the emissions factor analysis submitted in accordance with subsection (c)(2) did not include a stack test, an initial stack test must be conducted within ninety (90) days of permit issuance.

(C) Ongoing stack tests must be conducted at least once every five (5) years from the date of approval of the alternative monitoring request.

(D) Stack tests must be conducted in accordance with a test method specified in the operating permit and reported to the department within thirty (30) days of the test.

(E) If a stack test indicates an emission factor may require adjustment the owner or operator shall use the revised emission factor to report NO<sub>x</sub> emissions in tons per control period.

(6) Maintain records in accordance with the terms and conditions in the operating permit for a period of five (5) years from the date the records are created. These records must be made available to the department upon request.

(f) This section does not authorize exceptions or alternatives to any 40 CFR Part 75 monitoring requirements that apply to a source under a different legal authority.

(g) In accordance with the requirements of 40 CFR 51.122(c)(1)(i)\*, the department shall report annually to U.S. EPA all NO<sub>x</sub> emissions reported under this section.

\*These documents are incorporated by reference. Copies may be obtained from the Government Publishing Office, [www.gpo.gov](http://www.gpo.gov), or are available for review at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, Indiana 46204.

(Air Pollution Control Division; [326 IAC 10-2-8.5](#))

#### [Notice of Public Hearing](#)

Posted: 11/20/2019 by Legislative Services Agency

An [html](#) version of this document.